

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY ALANO NARANJO,

Petitioner,

Civil Case No. 07-12604

v.

Criminal Case No. 02-50045

UNITED STATES OF AMERICA,

Respondent.

PAUL D. BORMAN
UNITED STATES DISTRICT COURT

/

**ORDER DENYING PETITIONER'S AMENDED MOTION FOR RECONSIDERATION
AND PETITIONER'S MOTION FOR AN EXTENSION IN WHICH TO SUPPLEMENT
HIS AMENDED MOTION FOR RECONSIDERATION**

Now before the Court is petitioner Gregory A. Naranjo's ("Petitioner") "AMENDED MOTION FOR RECONSIDERATION OF JUDGE ORDER 07/15/2009" ("Amended Motion for Reconsideration") and "AMENDED MOTION TO EXTEND TIME TO SUPPLEMENT MOVANT'S (07/29/09) AMENDED MOTION FOR RECONSIDERATION" ("Amended Motion for an Extension") both of which were filed on July 29, 2009. (Dkt. Nos. 138, 139). Petitioner's Motion for Reconsideration asks this Court to reconsider its July 15, 2009 Order Adopting Magistrate Judge Hluchaniuk's Report and Recommendation ("July 15, 2009 Order"). Petitioner's Amended Motion for an Extension requests a thirty five day extension to supplement his Amended Motion for Reconsideration. For the reasons stated below, the Court DENIES Petitioner's Amended Motion for Reconsideration and Amended Motion for an Extension.

Under Eastern District of Michigan Local Rule 7.1(g)(1), a motion for reconsideration must be filed with ten days after entry of judgment. Here, Petitioner filed an initial motion for

reconsideration on July 27, 2009 and then an Amended Motion for Reconsideration on July 29, 2009. Both of these motions were filed within the ten day filing requirement, and both were roughly single-spaced and four pages long. In addition, on October 14, 2008, Petitioner filed four pages of roughly single-spaced objections to Magistrate Judge Hluchaniuk's October 1, 2008 Report and Recommendation. Hence, Petitioner not only has had more than sufficient time to apprise himself of all of the relevant issues but also actually did respond within the required period of time. Accordingly, the Court denies Petitioner's Amended Motion for Extension.

Local Rule 7.1(g)(3) provides the grounds for granting a motion for reconsideration:

[T]he court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mktg. Displays, Inc. v. Traffix Devices, Inc.*, 971 F. Supp. 262, 278 (E.D. Mich. 1997).

Petitioner's Amended Motion for Reconsideration attempts to show that he failed to demonstrate the merits of his petition through no fault of his own and that the Court is biased against him. But, as set forth by Magistrate Judge Hluchaniuk's Report and Recommendation to Dismiss 28 U.S.C. § 2255 Petition, Petitioner has been given numerous opportunities to provide the Court with cause as to why his petition should not be dismissed. In spite of these opportunities, Petitioner has failed to provide sufficient justification as to why his petition should be granted. Therefore, the Court denies Petitioner's Amended Motion for Reconsideration.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: August 17, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 17, 2009.

s/Denise Goodine

Case Manager